UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA PHILADELPHIA DIVISION

In re:

Anthony Parker,

Debtor.

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust,

Movant,

V.

Anthony Parker, and KENNETH E. WEST,

Respondents.

Bankruptcy No. 19-14871-mdc

Chapter 13

CREDITOR'S CERTIFICATION OF DEFAULT

- I, <u>Charles G. Wohlrab, Esq.</u>, attorney for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust ("Plaintiff"), certifies as to the following:
 - 1. I am an attorney for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust and am duly authorized to make this certification.
 - 2. On April 21, 2020, an Order Approving Stipulation Resolving Motion for Relief was entered, which required the Debtor to make certain payments to Plaintiff to cure specified arrearages maintain future accruing payments. See Exhibit "A".
 - 3. On September 21, 2021, Plaintiff, by counsel, served on Debtor(s), and Debtor(s)' counsel a Notice of Default setting forth that Debtor(s) were in default in the provisions of the Stipulation. See Exhibit "B".

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The September 21, 2021 Notice of Default stated that the sum of \$3,310.64 was needed

from Debtor(s) to cure the default.

5. The Notice of Default advised that if either the Debtor(s) or the Trustee did not, within

ten (10) days of the service of the Notice of Default, either cure the default, file an

Objection stating that no default exists, or file an Objection stating any other reason why

a relief Order should not be entered, Plaintiff could submit a Certification stating that it

has complied with the notice requirements of the Order and that the Court may grant

relief from the automatic stay without further notice to Debtor, and that, if granted such

relief, the real property located at 3159 BELGREEN RD PHILADELPHIA Pennsylvania

19154 may be sold at foreclosure.

6. Neither the Debtor(s) nor the Trustee has cured the default, filed an objection with the

Court stating that no default exists, or filed an objection with the Court stating any other

reason why an order granting relief from the automatic stay should not be entered.

7. That, in accordance with the terms of the Order Approving Stipulation Resolving Motion

for Relief entered on April 21, 2020, Plaintiff is entitled to relief from the automatic stay

as to the real property located at 3159 BELGREEN RD PHILADELPHIA Pennsylvania

19154.

Date: 11/03/2021

Robertson, Anschutz, Schneid & Crane

LLC

Attorney for Secured Creditor 10700 Abbott's Bridge Rd., Suite 170 Duluth, GA 30097

Telephone: (470) 321-7112

By: /s/ Charles G. Wohlrab Charles G. Wohlrab, Esquire Case 19-14871-mdc Doc 65 Filed 11/04/21 Entered 11/04/21 15:21:37 Desc Main Document Page 3 of 19

PA Bar Number 314532 Email: cwolifrab@rascrane.com

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA PHILADELPHIA DIVISION

In re:

Anthony Parker, Debtor.	Bankruptcy No. 19-14871-mdc		
Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, Movant, v. Anthony Parker, and KENNETH E. WEST, Respondents.	Chapter 13		
STATE OF Florida AFFIDAVIT OF DEFA	ULT		
COUNTY OFDuval			
PERSONALLY APPEARED before the undersign oaths, ISIAN BEGTY	ned officer duly authorized to administer _, who after being duly sworn deposes and		
1. My name is Tsiah Berry	_, and I am an authorized signor for		
Wilmington Savings Fund Society, FSB, d/b/a Christian	na Trust, not individually but as trustee for		
Pretium Mortgage Acquisition Trust, (hereinafter "Secu	ared Creditor"). As part of my job		
responsibilities for Secured Creditor, I have personal kr	nowledge of and am familiar with the		
types of records maintained by Secured Creditor in con-	nection with the account that is the subject		
of this Affidavit (the "Account") and the procedures for	creating those types of records. I have		
access to and have reviewed the books, records and file	s of Secured Creditor that pertain to the		
Account and extensions of credit given to Debtor(s) con	ncerning the property securing such		
Account. I make this Affidavit for under in connection	with and Order Approving Stipulation		
Resolving Motion for Relief entered by the Honorable J	ludge Magdeline D. Coleman on or about		
April 21, 2020.			

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- On or about September 21, 2021, Secured Creditor sent a Notice of Default to Debtor and
 Debtor's Attorney as required by the aforementioned Order. A copy of said Notice of Default is
 annexed hereto and made a part hereof as Exhibit "A".
- 3. I hereby confirm that the Debtor/ Respondent, Anthony Parker, has failed to comply with the aforementioned Order in that Respondent has failed to remit all monthly stipulated payments with the total arrears owed to Secured Creditor in the amount of \$4,322.38 through October 18, 2021.
- 4. Upon the expiration of fourteen (14) days without the filing of a counter affidavit by the Debtor disputing the fact of the default, Secured Creditor seeks an order entered lifting the automatic stay.

Further, Affiant sayeth not.

SWORN TO AND SUBSCRIBED

BEORE ME THIS

, 2021

Notary Public

Genevieve A. Jacobs

My Commission Expires:

A C

GENEVIEVE A. JACOBS Commission # GG 195487 Expires March 13, 2022

Bonded Thru Troy Fain Insurance 800-385-7019

EXHIBIT "A"

Case-19-14-8771 mdgc P96-654

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	
ANTHONY PARKER	Bankruptcy No. 19-14871-mde
Debtor,	Chapter 13
WILMINGTON SAVINGS FUND SOCIETY,	Document No. 37, 42
FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR	
PRETIUM MORTGAGE ACQUISITION TRUST,	
Movant,	
v ,	
ANTHONY PARKER, and	
WILLIAM C. MILLER, Chapter 13 Trustee	
Respondents.	

ORDER OF COURT

AND NOW, th	is21st_day of	April	, 2020, upon consideration of the foregoing
Stipulation Resolving N	Motion for Relief from the	: Automatic	Stay, it is hereby ORDERED that the
Stipulation is approved.			

BY THE COURT

Magdeline D. Coleman

Chief U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

ANTHONY PARKER

Debtor,

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST,

Movant,

Ÿ.

ANTHONY PARKER, and WILLIAM C. MILLER, Chapter 13 Trustee

Respondents.

Bankruptcy No. 19-14871-mdc

Chapter 13

Document No. 37, 42

STIPULATION RESOLVING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust ("Movant"), by and through its undersigned counsel, Bernstein-Burkley, P.C., and, Debtor, Anthony Parker, by and through his undersigned counsel, Brad J. Sadek, Esquire, and together file this Stipulation Resolving Motion for Relief from the Automatic Stay (the "Stipulation"), stating as follows:

- 1. The automatic stay as provided by Section 362 of the Bankruptcy Code shall remain in full force and effect conditioned upon the terms and conditions set forth herein.
- 2. Movant holds a Mortgage on the real property located at 3159 Belgreen Rd Philadelphia, PA 19154 (the "Property").
- 3. As of the date of this Stipulation, the Debtor is in default of his post-petition payment obligations to Movant in the amount of \$7,324.00.

- 4. Debtor will cure the remaining post-petition arrears by making monthly payments to Movant in the amount of \$7,324.00 through the Debtor's confirmed Chapter 13 plan filed by Debtor and his Counsel. In order to resolving the pending the Motion for Relief from Stay, the parties agree as follows:
 - a. Debtor shall provide for the \$7.324.00 in post-petition arrears Debtor's confirmed
 Chapter 13 plan.
 - b. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust shall continue to be paid postpetition outside the plan beginning April 1, 2020.
 - The terms of this Stipulation shall be incorporated into the Debtor's confirmed
 Chapter 13 plan and any subsequent plan filed thereafter.
 - d. Any conversion or dismissal of this case shall void the terms of the stipulated order.
 - 5. Debtor shall direct the payments to:

Selene Finance, LP 9990 Richmond Suite 400 South Houston, TX 77042

Payments must be received by Movant at the above-referenced address on or before the 1st day of each month. Debtor will be in default under the Stipulation in the event that Debtor fails to comply with the payment terms and conditions in Paragraph 4, supra. If Debtor default under this Stipulation, Movant may send Debtor and Debtor's counsel a Notice of Default. Debtor will have ten (10) days from the date of the Notice of Default to cure the default. If default is not cured after the ten days, a Certification of Default will be immediately filed with the Court by the Movant.

6. In the event the instant bankruptcy case is converted to a case under Chapter 7 of the Bankruptcy Code, the Debtors shall cure the pre-petition and post-petition arrears within ten (10) days from the date of such conversion. Should Debtor fail to cure said arrears within the ten day period, such failure shall be deemed a default under the terms of this Stipulation Movant may serve a notice of default

and intent to file Certification of Default but Debtor will not be granted an opportunity to cure the default.

Instead, a Certification of Default will be immediately filed with the Court.

7. This Stipulation may only be modified by a revised Stipulation filed on the docket in the Bankruptcy. No oral modifications are permitted and any allegation that the Stipulation was modified orally will be disregarded as evidence. No written modifications are permitted, except for a revised Stipulation filed on the docket in the Bankruptcy.

Agreed to by:

By: /s/ Keri P. Ebeck Keri P. Ebeck, Esq. PA I.D. # 91298 kebeck@bernsteinlaw.com 707 Grant Street, Suite 2200 Pittsburgh, PA 15219 412-456-8112 Fax: (412) 456-8120

Counsel for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust By: /s/
Prad J. Sadek, Esq.
PA I.D.# 90488
brad@sadeklaw.com
1315 Walnut Street, Suite 502
Philadelphia, PA 19107
215-545-0008
Fax: 215-545-0611

Counsel for Anthony Parker

Dated: April 2, 2020

EXHIBIT "B"



James Robertson, Esquire

Member of Texas Bar

Everett Anschutz, Esquire

Member of Texas Bar David J. Schneid, Esquire

Member of Florida

Bar

John Crane, Esquire

Member of Texas

Bar

September 21, 2021

Anthony Parker U.S. Mail 3159 Belgreen Road Philadelphia, PA 19154

BRAD J. SADEK Email
Sadek and Cooper
1315 Walnut Street
Suite 502
Philadelphia, PA 19107
VIA EMAIL AND U.S. MAIL

RE: Notice of Default for Anthony Parker; Case No. 19-14871-mdc

Dear Sir/Madam,

I represent Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, the servicer for mortgage on your client's property located at 3159 Belgreen Rd Philadelphia, PA 19154. Please consider this letter a Notice of Default under the Notice of Default under the terms of the Stipulation of Settlement (DE 46) ("Order").

According to our client's records, the Debtor has not made the following mortgage payment pursuant to the Stipulation. In accordance with the Stipulation, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, hereby provides notice demanding the default be cured within ten (10) days of the date of this notice.

The breakdown of the Debtor's default is as follows:

Payments Due:

Monthly Payments Past Due 6/1/21-8/1/21 @ \$1,464.80/month	\$4,394.40
Suspense	(\$1,083.76)
Total Amount Due to Cure Default:	\$3,310.64

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The address where payments should be sent is:

Selenc Finance LP 9990 Richmond Ave, Suite 400 South Houston, TX 77042

Pursuant to the Stipulation, failure to cure this default within ten (10) days from the date of this notice will result in Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, filing an order terminating the automatic stay.

Please notify me once the payment has been sent, and please provide me with proof of the payment as well. Should you have any further questions, please feel free to contact me.

Sincerely,

/s/ Charles G. Wohlrab Charles G. Wohlrab, Esq.

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA PHILADELPHIA DIVISION

In re:

Anthony Parker,

Debtor.

Bankruptcy No. 19-14871-mdc

Chapter 13

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, Movant,

v.

Anthony Parker, and KENNETH E. WEST, Respondents.

ORDER VACATING AUTOMATIC STAY

AND NOW, this day of , 2021, upon consideration of Wilmington Savings. Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust's Motion for Relief from Automatic Stay, pursuant to 11 U.S.C. § 362(d), any response thereto and that it is not necessary for an effective reorganization, it is hereby

ORDERED, that the automatic stay provisions of Section 362 of the Bankruptcy Code are hereby unconditionally terminated with respect to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust; and it is further

ORDERED, that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, its successors and/or assignees be entitled to proceed with appropriate state court remedies against the property located at 3159 BELGREEN RD PHILADELPHIA Pennsylvania 19154, including without limitation a sheriff's sale of the property, and it is further

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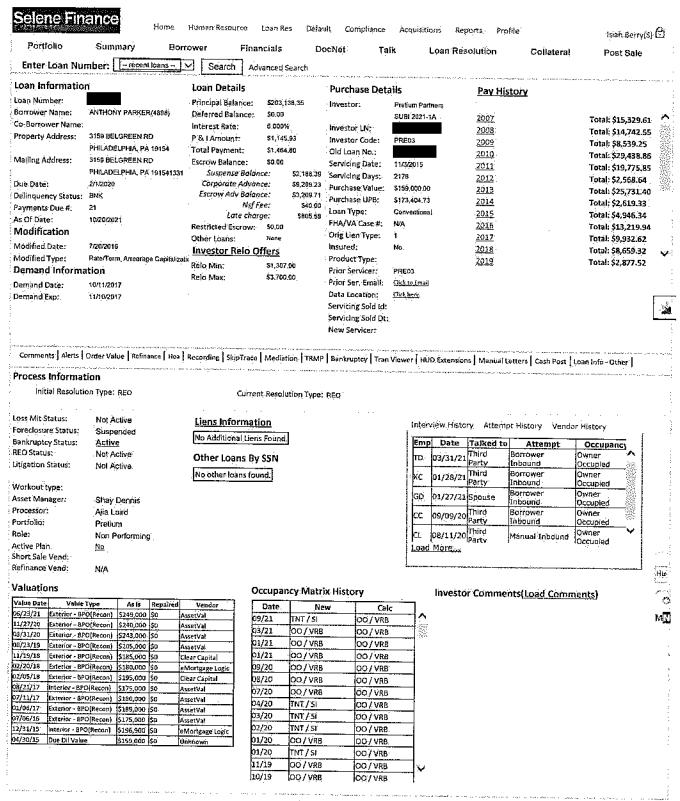
ORDERED that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust's request to waive the 14-day stay period pursuant to Fed.R.Bankr.P. 4001(a)(3) is granted.

BY THE COURT

Hon. Magdeline D. Coleman U.S. Bankruptcy Court Judge

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Account Number	Teller Nu	ımber 1441	Office C	ode 0
Debtor Information		Filing Informa		ŕ
Debtor ANTHONY PARKER		Chapter	13	
Co-Debtor		Filing Date	08/01/19	
Filed By PRIMARY ECOA	OTHER	Case Number	19-14	871
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Next Payment Amt 625.99	Last Payment Amt	1528.67 Crai	mdown	N
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Original

Transaction Date

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Loan Amount

Investor ID

Alternate Loan ID

Collateral Active Status

Borrower Name

Collateral ≘

Pool (D

Account ID

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Status

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